



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,052	11/17/2000	Jonah Peskin	1852-1-3	7616

996 7590 02/08/2005

GRAYBEAL, JACKSON, HALEY LLP
155 - 108TH AVENUE NE
SUITE 350
BELLEVUE, WA 98004-5901

EXAMINER

DETWILER, BRIAN J

ART UNIT PAPER NUMBER

2173

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/716,052

Applicant(s)

PESKIN ET AL.

Examiner

Brian J. Detwiler

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-59, 61-64, 66-69 and 71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 57-59, 61-64, 66-69 and 71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 57-59, 61-64, 66-69, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,529,219 (Baik et al) and U.S. Patent No. 6,346,934 (Wugofski).

Referring to claims 57, 62, and 67, Baik discloses two sets of keys in Figure 3. The first set is part of a normal keyboard. The second set, as explained in column 6: claim 1, is separate and distinct from the keys on the normal keyboard and the keys are referred to as smart buttons. Upon activation of said smart buttons, Baik explains in column 4: lines 16-47 that a smart button virtual driver receives the input and determines whether it is coming from the keyboard or the smart buttons. If from the smart buttons, the input is passed to a smart shell, which then sends a message to either a program selector or a corresponding application program. Said application program could be any application program including a plurality of audio/video control application programs and word processing programs. In one mode, the program selector allows users to simply select and launch registered applications via the smart buttons. Baik discloses in column 5: lines 55-62 that applications can be registered via a drag and drop function. In a second mode, the smart buttons can be used to send input directly to a particular application. For instance, Baik teaches in column 6: lines 12-42 that the smart buttons can be used to directly

Art Unit: 2173

control an audio player application that supports the smart buttons. Said audio player application is not specific to Baik's invention and therefore the user could choose any audio player application from among a plurality of audio/video control application programs as long as it supports the smart buttons. Baik's invention thus allows a user to select a first application (e.g. an audio player) to receive key event data from the smart buttons while selecting a second application to receive key event data from the normal keyboard. Additionally, the key event data for both applications can be received concurrently. Baik's only deficiency is that there is no teaching for placing the smart buttons are on a remote keypad. As mentioned above, Baik claims that the smart buttons are to be "separate and distinct" from the keys on the normal keyboard. Wugofski supports a separate and distinct remote keypad by disclosing a remote control unit in Figure 1 capable of interacting with a computing device. Wugofski explains in column 4: lines 15-33 that commands or events can be sent to the computer to control desired applications. In column 1: lines 26-30, Wugofski suggests that remote controls are advantageous in domestic environments because they allow users to "participate in home entertainment as a family, instead of individually." Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place Baik's smart buttons on a remote keypad as suggested by Wugofski because it would allow home users to interact with applications on a computer as a family.

Referring to claims 58, 59, 63, 64, 68, and 69, Baik illustrates in Figure 4 that all key event data is received by the operating system and forwarded to the corresponding application programs. The operating system program thus corresponds to the claimed key event data server program.

Art Unit: 2173

Referring to claims 65 and 70, Baik discloses in column 6: lines 12-42 that the first application program can be an audio/video control program.

Referring to claims 61, 66, and 71, the second application program can be any of a variety of application programs operating on the computer. Neither Baik nor Wugofski places any limitations on what types can receive key event data from the normal keyboard. Said second application can thus inherently be a word processing application capable of receiving text input.

Response to Arguments

Applicant's arguments with respect to claims 57-59, 61-64, 66-69, and 71 have been fully considered but they are not persuasive. Applicant asserts that the prior art fails to teach selecting an audio/video control application program from among a plurality of audio/video control application programs. The examiner respectfully disagrees. The smart buttons have a primary function of allowing the user to select any registered programs. They have a secondary function of allowing the user to control menus in any application that supports the smart buttons. There is undoubtedly no restriction on the number of applications that could provide support for the smart buttons. Accordingly, the user would have the option to choose from a plurality of supported applications, or more specifically a plurality of audio/video control applications, and then operate the buttons in accordance with certain menu functions of the selected application.

Conclusion

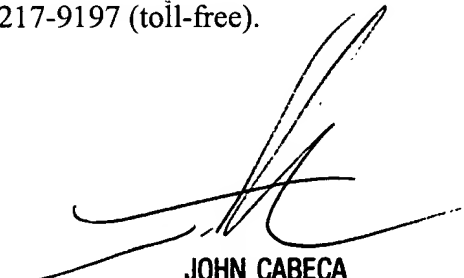
Art Unit: 2173

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Detwiler whose telephone number is 571-272-4049. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on 571-272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bjd



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100